

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 9 is currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 9-33 are now pending in this application.

In the October 19, 2007 Office Action, the Examiner rejected claims 9-14 under 35 U.S.C. §112, first paragraph for, in the Examiner's view, failing to satisfy the enablement requirement. In particular, the Examiner asserted that the phrase "encoding a first coded picture" was not sufficiently described in the specification. In order to advance the prosecution of the present application, and without taking a position with regard to the Examiner's rejection, Applicant has amended claim 9 to remove the term "coded" from the phrase "encoding a first coded picture." Subsequent references to the term "coded picture" in claims 9-14 have not been amended, as these terms refer to particular pictures after decoding, therefore correctly constituting "coded pictures."

Applicant submits that the coding of a first picture is amply supported by the present specification. The use of individual pictures or frames in a video sequence is discussed through the specification, beginning as early as paragraphs [0003] and [0004] therein. Furthermore, the encoding of such video sequences, and therefore the encoding of frames or pictures therein, is also discussed throughout the specification, including in the Abstract, paragraph [0006] of the Background ("it is also advantageous to encode the first picture of each new scene in INTRA format"); paragraph [0024] of the Summary of the Invention ("the invention is by no means limited to application within the confines of the H.264 standard and may be applied in other video coding standards in which video sequences are encoded using a

combination of INTRA and INTER coded frames and which employ a syntax that is similar to that used in H.264”) and elsewhere. Still further, the use of individual encoders is also discussed within the present specification, and one skilled in the art would readily understand that encoders are used to encode, among other items, individual frames or pictures. Therefore, Applicant submits that the coding of individual pictures is fully enabled by the present specification.

In addition to the above, the Examiner rejected claims 15-17-21, 23-27 and 29-33 under 35 U.S.C. §102(b) as being anticipated by U.S. Publication No. 2002/0054641 (Hannuksela). Claims 16, 22 and 28 were also rejected under 35 U.S.C. §103(a) as being unpatentable over Hannuksela in view of U.S. Patent No. 7,149,247 (Sullivan). For the following reasons, Applicant respectfully traverses these rejections.

First, Applicant respectfully notes that the Examiner’s rejection of claims 15, 17-21, 23-27 and 29-33 should not have been under 35 U.S.C. §102(b) due to Applicant’s claim of priority to United States provisional patent application number 60/396,200 (the “‘200 application”). As is noted in paragraph [0001] of the present application, the ‘200 application was filed on July 16, 2002, which was less than a year after Hannuksela was published.

Additionally, Applicant submits that claims 15-33 are fully supported by the ‘200 application. For instance, an example of the “first indication” of claims 15 and 20 is an indication of whether a particular intra coded picture is a gradual decoder refresh (GDR) picture. GDR pictures are discussed in detail, for example, at page 2, lines 12-17 of the ‘200 application. In the case of a GDR picture, there will be pictures which are needed as references by subsequent pictures, but such reference pictures are not decoded since their decoding order was before the randomly-accessed intra coded picture. GDR pictures are also discussed at page 16, lines 9-21 of the ‘200 application, including a discussion of GDR sub-sequence identifiers therein. Motion compensation is also discussed in several locations within the ‘200 application. The various dependent claims are also amply described in the ‘200 application with, for instance, the features of providing various indications in network abstraction layer unit type syntax (e.g., claims 16, 22 and 28), in picture headers (e.g., claims 17, 23 and 29) and in slice headers (e.g., claims 18, 24 and 30) being discussed, for example

at page 15, lines 5-11 of the present application. These are just a few examples showing how the parent '200 application provides full support for the pending claims, for which reason Hannuksela cannot constitute prior art under U.S.C. §102(b).

Furthermore, Applicant submits that Hannuksela does not constitute prior art under 35 U.S.C. §§102(a) or 102(e). 35 U.S.C. §§102(a) or 102(e) relate to prior inventions, patents and/or published applications by another. However, Hannuksela, the '200 application, and the present application all derive from the same single inventor—Miska Hannuksela.¹ Therefore, because the same person is the inventor of the underlying inventions at issue, the prior art Hannuksela reference (and the underlying invention) cannot constitute a work “by another” under 35 U.S.C. §§102(a) or 102(e).

Because Hannuksela does not constitute prior art under 35 U.S.C. §§102(a), (b) or 102(e), and because it also does not qualify as prior art under any of the other sections of U.S.C. §102 (nor has the Examiner asserted as such), Applicant respectfully submits that Hannuksela is not proper prior art and therefore cannot be used in any rejection under U.S.C. §§102 or 103. Therefore, the Examiner’s rejections under these sections cannot stand, since no prior art of record to the present application teaches all of the features of independent claims 15, 20, 26 and 32. For this reason, Applicant submits that the Examiner’s rejections of claims 15-33 are overcome.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated,

¹ Additionally, assignments of both the cited prior art and the present application have been recorded that indicate that both underlying inventions were assigned to the same entity—Nokia Corporation.

otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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